

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

WALTER MILK,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 11-785V

Special Master Christian J. Moran

Filed: October 30, 2013

Attorneys' fees and costs;
award in the amount to which
respondent does not object.

Ronald Craig Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner;
Jennifer L. Reynaud, U.S. Department of Justice, Washington, D.C., for respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On October 28, 2013, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Petitioner filed an application for attorneys' fees and costs ("Application") on October 10, 2013. Upon review of petitioner's Application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended his application to request a total of \$12,500.00, an amount to which respondent does not object. The Court awards this amount.

On November 22, 2011, Mr. Walter Milk filed a petition for compensation alleging that the influenza vaccine, which he received on October 14, 2009, caused him to suffer a neurological demyelinating injury, later identified as Guillain-Barré syndrome ("GBS"). Petitioner received compensation based upon the parties' stipulation. Decision, filed July 15, 2013. Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner seeks a total of **\$12,500.00** in attorneys' fees and costs for his counsel. Additionally, in compliance with General Order No. 9, petitioner states that he incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A lump sum of \$12,500.00 in the form of a check made payable to petitioner and petitioner's attorney, Ronald Craig Homer of the law firm Conway, Homer & Chin-Caplan, P.C., for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.